THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.22098 of 2007

DATED: 28.12.2007

Between:

T.R.Reddy. .. Petitioner

And

APSRTC, rep. by its Managing Director,
Musheerabad, Hyderabad
and another. .. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.22098 of 2007

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not fixing the petitioner's pay in the Revised Pay Scale of 2005, which was given effect from 01.04.2005, and not paying the arrears as well the gratuity for the period of his removal from service i.e., from 21.01.1975 to 04.08.1991 as arbitary, illegal and violative of Articles 14 and 16 of the Constitution of India and contrary to the award passed by the Additional Labour Court-cum-Additional Industrial Tribunal, Hyderabad in ID.No.125 of 1980.

2. It appears, the petitioner, on attaining the age of superannuation, retired from service as TI-III/DC of the respondents' Corporation on 31.01.2007. Now, the grievance of the petitioner is that when he was removed from service earlier, he raised a dispute before the Additional Labour Court-cum-Additional Industrial Tribunal, Hyderabad in ID.No.125 of 1980, wherein an award was passed in his favour on 29.09.1980 setting aside the order, dated 27.10.1975, passed by the Corporation removing the petitioner from service, and directing the Corporation to reinstate the petitioner into service forthwith with continuity of service, with full backwages and all other attendant benefits, till he was allowed to duty. Aggrieved by the same, the Corporation has filed WP.No.2727 of 1981 and the same, along with W.P.Nos.2708 of 1981 and batch, was dismissed on 01.11.1986.

3. Learned counsel for the petitioner contended that in view of the

award passed by the Labour Court in ID.No.125 of 1980, the petitioner is entitled to draw the retirement benefits even for the period he was out of employment i.e., from 21.01.1975 to 04.08.1981. But, the management has not considered the same at the time of payment of retirement benefits to the petitioner.

4. I am of the opinion that in view of the award passed by the Labour Court in ID.No.125 of 1980 and in view of the dismissal of the writ petition No.2727 of 1981 filed by the management, the petitioner is entitled for retirement benefits even for the period he was placed out of employment i.e., from 21.01.1975 to 04.08.1981 by treating the same as continuous service.

5. Accordingly, the respondents are directed to consider the case of the petitioner for fixing his pay in the Revised Pay Scale of 2005, if it is not extended to him, and further to consider the period he was out of service i.e., from 21.01.1975 to 04.08.1981 as continuous service and extend the retirement benefits including gratuity etc. for the said period also, and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order, and communicate the same to the petitioner.

6. The writ petition is, accordingly, disposed of. No order as to costs.

JUSTICE C.V.RAMULU

28th December, 2007
v v